10

NO. 24, ORIGINAL

FEB 20

JOHN T. FEY, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, [illegible] 1958

UNITED STATES OF AMERICA,
PLAINTIFF
v.
STATES OF LOUISIANA,
TEXAS, MISSISSIPPI, ALABAMA AND FLORIDA

ANSWER OF ALABAMA TO MOTION OF UNITED STATES FOR JUDGMENT AND MOTION TO DISMISS CROSS-BILL

JOHN PATTERSON
Attorney General
Judicial Building
Montgomery, Alabama

WILLIAM G. O'REAR
Assistant Attorney General
711 High Street
Montgomery, Alabama

GORDON MADISON
Assistant Attorney General
Judicial Building
Montgomery, Alabama

E. K. HANBY
Special Assistant Attorney General
403 Noojin Building
Gadsden, Alabama

SOLICITORS FOR THE STATE OF ALABAMA

E. C. BOSWELL
Geneva, Alabama
Legal Advisor to James E. Folsom, Governor of Alabama

NEIL METCALF
Geneva, Alabama
Representing James E. Folsom, Governor of Alabama

OF COUNSEL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

NO. 11, ORIGINAL

UNITED STATES OF AMERICA,
PLAINTIFF

v.

STATES OF LOUISIANA,
TEXAS, MISSISSIPPI, ALABAMA AND FLORIDA
DEFENDANTS

ANSWER OF ALABAMA TO THE MOTION OF THE UNITED STATES FOR JUDGMENT

In response to the Motion of the United States for Judgment, as to the fourth cause of action, the State of Alabama says:

The Motion of the United States for Judgment should be denied.

The Congress of the United States approved and the State of Alabama accepted, both before, at the time of and subsequent to admission to the union, a southern boundary which is six leagues from and parallel to the shore. This is fully pointed out in Alabama's petition for intervention and in the answer.

Congress had the legal right to enact the Submerged Lands Act, and the State of Alabama has the ownership of, or the paramount rights in, the lands and natural resources three marine leagues from the coast line.

REPLY TO MOTION TO DISMISS CROSS-BILL

The Submerged Lands Act itself is authority for the cross-bill. To hold otherwise will be to say that the states could never establish boundary and could never know judicially what each has under the Act, unless the United States first brought suit.

What did this Court mean when it granted the right to intervene? Did it not mean that each state could come forward with its own claim. We think so.

If the Court feels that the State of Alabama can have full relief under the answer, without the cross-bill, then the cross-bill is not insisted upon, otherwise, it is.

STATEMENT

If at this stage anyone is entitled to judgment, it is not the United States but instead the defendant states. Each has shown a description approved by Congress sufficiently far distant to embrace three-marine leagues from the coast line.

In **The State of Florida v. The State of Georgia,** 17 How. 478, 15 L. Ed. 181, it was held that in deciding the question of boundary, the court will consider the evidence offered by the United States or either of the states.

In cases of this kind, it is the duty of the court, as stated in the following cases, to mould the rules of chancery practice and pleading in such manner as to bring the case to a final hearing on its real merits. This case is too important in its character, and the in-

POOR COP

terests concerned too great to be decided without a full hearing and opportunity to present evidence. " . . . The most liberal principles of practice and pleading ought unquestionably to be adopted in order to enable both parties to present their respective claims in their full strength." **The State of Rhode Island v. The State of Massachusetts,** 14 Pet. 210, 10 L. Ed. 423, at page 445; see also 12 Pet. 657, 9 L. Ed. 1233; 13 Pet. 23, 10 L. Ed. 41; 15 Pet. 233, 10 L. Ed. 721.

The pre-trial conference should be held and the Court should help formulate the real issue. If it does not, there will be contentions, briefs and motions without end.

Respectfully submitted,

JOHN PATTERSON
Attorney General of Alabama

WILLIAM G. O'REAR
Assistant Attorney General

GORDON MADISON
Assistant Attorney General

E. K. HANBY
Special Assistant Attorney General

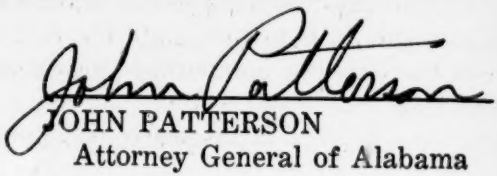
E. C. BOSWELL
Legal Advisor to
James E. Folsom,
Governor of Alabama

NEIL METCALF
Representing James E.
Folsom, Governor of
Alabama

OF COUNSEL

PROOF OF SERVICE

I, John Patterson, as Attorney General of Alabama, certify that on the 19th day of February 1958, I mailed copies of the foregoing Answer of Alabama to the Motion of the United States for Judgment to the Attorney General and the Solicitor General of the United States, respectively, at the Department of Justice Building, Washington, D. C., and to the Attorneys General of the States of Texas, Louisiana, Mississippi and Florida.



JOHN PATTERSON
Attorney General of Alabama